

MINUTES of the MICHAELMAS MEETING of CHIEF PLEAS

Held in The Assembly Room, Sark on 5th October 2011 at 10.00 am.

Present: Sieur J.M. Beaumont OBE, Seigneur; Lt. Col. R.J. Guille MBE, Seneschal; A.W.J. Adams, Deputy Prévôt; T.J. Hamon, Greffier; W. Kiernan FCA, Treasurer; and the Constables.

His Excellency the Lieutenant Governor, Air Marshal Peter Walker, CB, CBE, and Sir Geoffrey Rowland, QC, Bailiff of Guernsey also attended.

26 Conseillers were present at the roll call (see attached list and named voting record). Apologies were received from Conseillers Melling and Perrée who were off-Island.

01 Opening Comments

- 0.1 [Lt. Governor](#) – the Seneschal welcomed His Excellency to this his third meeting of Chief Pleas and extended a warm welcome to Mrs Walker. He referred to the informal visit on 15th August when they were shown more of the Island and to the opportunity that islanders had to meet with them on the occasion of the combined churches' Sea Service at Creux Harbour on 21st August.
- 0.2 [Bailiff](#) – The Seneschal also extended a warm welcome to the Bailiff, Sir Geoffrey Rowland, and Lady Rowland who he had invited with the support of the GP&A Committee, to attend this Meeting ahead of the Bailiff's retirement next March. Sir Geoffrey first came to Sark's attention when he was HM Procureur and together with a young Advocate, Richard McMahon, became the principle advisors to the Constitutional Review Committee in Sark's early dealings on that long drawn out process which started in the year 2000 and ended in late 2008 with a new Reform Law. By the time Chief Pleas had completed the process Sir Geoffrey had been Bailiff for some years.
- 0.3 The Seneschal continued by noting that this might well be an historic occasion as he believed it quite likely that no Bailiff has ever attended a Meeting of the Sark Chief Pleas. Probably the events of 30th May 1582 soured relations somewhat when the then Bailiff of Guernsey (Thomas Wigmore, who was also the Lt. Governor's son-in-law), four Jurats and 40 armed men landed on Sark and arrested the Sark Bailiff and two of the 12 Sark Jurats and took them off for trial in the Royal Court for operating an illegal Court of Sark. The Sark Bailiff was imprisoned and when released was exiled from Sark and died in Guernsey in 1610; the two Jurats returned home but were never allowed to hold judicial posts thereafter. In 1583 a new Order in Council was made setting up a Court consisting of five Jurats, with the senior Jurat being the Judge. That remained the position until 1675 when the Court of the Seneschal was set up by Order in Council of the 19th May which vested all judicial authority in the Seneschal alone.
Sir Geoffrey on this occasion is a much welcomed guest and the Seneschal thanked him on behalf of Chief Pleas and Islanders for his help to the Island over many years.
- 0.4 [Mrs Edith Hamon](#) – The Seneschal paid tribute to the late Mrs Edith Hamon who died in August and who was a Deputy of the People from 1973 to 1976.
- 0.5 [Mr. Peter Stisted](#) – The Seneschal also remembered Mr. Peter Stisted who died last month and had served as Assistant Constable, Sea Fisheries from 2003 to 2010; he also served for a time on the Ambulance crew.
The Assembly stood for a minutes silence in memory of both.
- 0.6 [New Conseillers](#) – On behalf of Chief Pleas, the Seneschal welcomed the four new Conseillers Hazel Fry (who topped the poll) Stephen Taylor, Rosanne Byrne and Simon Higgins.
- 0.7 [Deputy Bailiff](#) – The Seneschal, on behalf of Chief Pleas, congratulated HM Comptroller, Richard McMahon QC, on being appointed by HM Queen as the next Deputy Bailiff in Guernsey upon the retirement of the present Bailiff.
- 0.8 [Road Traffic Appeals Tribunal](#) – The Seneschal had been notified that Mr. David Brunning has been appointed Chairman and Ms. Stephanie Guille Deputy Chairman by the Tribunal Members.
- 0.9 [Frank Perchard](#) – had written to Chief Pleas with thanks for the award of the Constables' commemorative badge awarded to former Constables after the last meeting of Chief Pleas; this was the only response from those whose badges had been sent off-Island.
- 0.10 [Guernsey Borders Agency](#) – Conseiller Guy referred to the public presentation promised at the last meeting of Chief Pleas and announced that this would take place on 10th October at 6.30pm in the Island Hall when the Chief Officer and his Assistant would be coming to Sark.

- 0.11 [External Relations Group](#) – Conseiller Maitland reported that every six months GP&A Committee meets with the external relations group of the Guernsey Policy Council to talk over initiatives and matters of mutual interest. It has proved an important forum and has helped cement good relations between the two Islands. Last month’s talks covered topics as diverse as waste strategy and territorial seas, to aviation issues, with our particular concern of the overflying of Sark, and policing in the Bailiwick.
- 0.12 [Conseillers Training Day](#) – At the instigation of HM Comptroller (HMC), Richard McMahon, the provision of a training day for Conseillers has been considered. Conseiller Maitland reported that HMC together with the Head of Legal Drafting at St James Chambers, Crown Advocate Robert Titterington, will be coming on the morning boat on Monday 7th November, and staying until midday on the 8th. Topics to be covered range from Sark’s constitution, the Island’s relationship with other jurisdictions, the general principles of conduct for holders of public office, the role of the Law Officers of the Crown and policy and legislative development. The Committee Secretary will provide further details nearer the time and the GP&A Committee encourages all Conseillers to attend at least some of the sessions.
- 0.13 [Privy Council](#) – Conseiller Maitland confirmed that The Shipping Law and Reform Law Amendment, having been becalmed at the Ministry of Justice in London for some months, are both due to go to the Privy Council for Royal Assent next Wednesday, 12th October.

1 Minutes of the Midsummer Meeting on 6th July 2011

- 1.1 Guy [Smoking in Regulated Premises \(Ref: 7.12 – 3rd sentence\)](#) - asked for a missing word to be added as follows – “...matter but **can’t** and won’t for the following reasons...”
- 1.2 The minutes were **APPROVED** with this one minor edit.

Matters Arising

- 1.3 E. Baker [Aviation Matters \(Ref: 11.23\)](#) - commented that there had been several incursions of the Brecqhou helicopter over Sark recently. The regulation states that –
1. the helicopter shall not be flown over the Island of Sark;
 2. the helicopter shall only approach the Island of Brecqhou to the west of a line centred on Moie de Gouliet and bearing 360 T and 205T there from.
- He questioned why these incursions should be happening and confirmed that it had been reported to the Civil Aviation Authority and would be followed up when the GP&A Committee meet with the Director next month.

2 Questions not related to the Business of the Day

- 2.1 Nightingale [Postage Stamps](#) – asked the following question of the GP&A Committee –
“To mark Dark Skies and the Artists for Nature Foundation could we please ask Guernsey Post about two lots of special edition SARK stamps? As I really believe that these two initiatives merit recognition and stamps would further promote Sark around the world”.
- 2.2 Maitland The Chairman of the GP&A Committee agreed to approach Guernsey Post to see if this might be possible.
- 2.3 R. Dewe [Willing](#) – asked the following question of the GP&A Committee –
“Now that the States of Deliberation has approved The Inheritance (Guernsey) Law, 2011, which gives full testamentary freedom for the willing of personalty, would the Chairman agree with me that it is an opportune time for the GP&A Committee to explore the possibility of introducing legislation to tidy up the anomaly between the ability of Sark residents to will realty and personalty”?
- 2.4 Maitland The Chairman of the GP&A Committee promised to look into the situation but commented that there were arguments for and against such changes in Sark which would need to be resolved.
- 2.5 R. Dewe [Land Reform](#) – asked the following question of the GP&A Committee –
“Would the Chairman of General Purposes and Advisory Committee give me and this Assembly a verbal report on how Land Reform is being progressed”?
- 2.6 Cook On behalf of the GP&A Committee, referred to the report made at Easter Chief Pleas, 2011 (Item 13) and the promise that reports will be brought back to Easter Chief Pleas 2012. Both the GP&A and F&C Committees were on track to report as promised and this would be preceded by a consultation exercise before Christmas.

3 Douzaine Election of Constable

- 3.1 Seneschal The Seneschal's Office continues to have many dealing with the Constable's Office and he thanked Mr Joyner, on Chief Pleas' behalf, for his two years of service to the Island. Like his immediate predecessors, Mr. Joyner has had an extremely busy last term and of course he took over the duties of Constable seven months ahead of his second year due to the non-availability of the then Constable Mrs Couldridge when her daughter became ill. Mr Joyner then took over the organisation of the 65th Liberation Day celebrations in May last year. He also picked up the organisation of the HMS Ledbury visit to Sark this May, which was a most successful visit. He ably assisted the Returning Officer at the General Election in December last year and again at the By-Election last month. On behalf of Chief Pleas he has had a busy year policing the Island as can be seen from his Constable's Report, as well as the civil functions of licences etc. and of course the incidents haven't stopped since his report was compiled. The Seneschal thanked Mr Joyner on behalf of the Island for his service to our community and invited the retiring Constable to speak if he so wished.
- 3.2 Constable Thanked Caragh Couldridge for asking him to be her Vingtenier, although at the time he didn't think it would be so time consuming. He thanked Paul Williams and Ewan de Carteret for being there as Assistant Constables and all the special constables who continue to be available around the clock at very short notice, often in the middle of the night.
- 3.3 He thanked Fiona Hamon in the Constable's office for all her hard work keeping things running smoothly and Reg Guille, Jeremy Bateman, Brian Garrard, Caroline Robins, Wendy Kiernan, Trevor Hamon, Alfie and Kevin Adams for all their help and advice which was always appreciated. He mentioned all the past Constables who gave of their time and advice freely.
- 3.4 He showed special appreciation of Joanne Godwin for agreeing to be his Vingtenier; they worked well together often having differing views on things but getting there in the end; he wished her all the best as Constable and hoped that her Vingtenier was as supportive as she had been to him.
- 3.5 When he started as Vingtenier he didn't really know what he was getting into; nobody does until they have done it but now, two years later, and a rough average of between fifteen and twenty hours of time spent policing Sark each week, he felt that he had learnt a great deal about himself. He never believed that he could be so understanding - at two in the morning when drunken party-goers call to ask for assistance because they are lost..... He didn't realise how good he was at babysitting - going to the harbour every Saturday night to see all the tourists off on the 6.00pm boat -there was only one incident that actually required the Constables being there. He never knew he was even the slightest bit patient, but yes - waiting for people to return his calls and e- mails, that still haven't come - he continues to wait - patiently... He didn't know he could be so resilient; the amount of abuse that the Constables have to take from the people they are there to look after amazed him.
- 3.6 Over the last two years he has had to deal with many various and difficult issues; going home to his wife, he was hoping, was going to be a break from all that, but no - his wife works in a bar where most of its patrons gossip like old women and, being what Sark is and how rumours spread and expand, his wife often came home with a vastly different version of the true events. In his position as Vingtenier and then as Constable he was unable to put her right but did make her laugh on more than one occasion when he pointed out how unrealistic and stupid some of these rumours really are even if they have a grain of truth in them; so we did bear them in mind.
- 3.7 He was looking forward to ending his term of office, not on a high as many people believe he should, but on the same even keel that he has been on all along. His wife, Leanne, is definitely looking forward to his finishing - no more late-night call outs and having to leave the room every time the phone rings. Many people were unsure of how he was going to cope doing this with a very young family; when he took it up he had just one son but Leanne has spent only ten months of the last two years not being pregnant and their third son is due in a week. To the people that say you can't be Constable with a young family - he would say nonsense.

- 3.8 Constable He did believe however that it will prove increasingly difficult to find suitable people willing to take on the role of Constable because there are more laws and there are now more law breakers who have made their way to Sark. There are lots of people wanting to do the job, but they aren't necessarily the right kind of people for it. To conclude, he was watching Coronation Street the other day, not through choice but you don't ever argue with a heavily pregnant woman. Norris came out with a line that was perfect on which to end this term of office:-
"Law enforcement isn't only the job of the police, we all need to be vigilant too"
- 3.9 E. Baker The Chairman of the Douzaine on behalf of the Committee nominated the present Vingtenier, **Mrs Joanne Godwin**, to the position of Constable. **CARRIED**

4 Douzaine Election of Vingtenier

- 4.1 Seneschal There is now a need to elect a Vingtenier to replace Mrs Joanne Godwin whose term of Office has expired and upon her election to be the next Constable. He called on the Chairman of the Douzaine to propose the person selected by Mrs Godwin and approved by the Douzaine to be appointed to the Office of Vingtenier for election by Chief Pleas.
- 4.1 E. Baker As Chairman and on behalf of The Douzaine, he nominated **Mr Adrian Guille** to the position of Vingtenier. **CARRIED**

5 Tourism Committee The Tourism (Sark) Law, 1982

- 5.1 S. Williams Chief Pleas accepted the drafting of this Ordinance at its Easter 2011 Meeting and it is now brought forward for approval. The Law Officers suggested that the period between the present expiry date of 31st December 2011 and the new expiry date of 29th February 2012 should be incorporated into the Ordinance. It was felt that as this extended period of validity had already been accepted in principle by Chief Pleas, that proposition two, instructing the Tourism Committee to provide a temporary extension to cover, would be sufficient to reassure the present permit holders.
- 5.2 The Committee is currently working on the process of reviewing the Tourism Law. One issue under consideration would give more control of those who do not apply for Accommodation Permits or do not display those issued in the premises as is required by the present legislation.
- 5.3 Guy If people are accommodating visitors without a permit they are working outside the Law and the Constable should be called to investigate.
- 5.4 S. Williams It is difficult to prove whether "guests" have paid to stay. The Committee also has no power to enter premises to inspect whether the facilities provided are of a sufficient standard to justify a permit being issued; presently this is done by the goodwill of the owner although clearly to allow an inspection is in their best interest.
- 5.5 The Public Health Inspector has also been refused entry to premises to take samples of water, the testing of which is required before a Catering Permit is provided; this has to be obtained ahead of an Accommodation Permit being issued. The Public Health Committee is currently reviewing its procedures and providing proof of identity for its inspectors. Both Committees are working together to co-ordinate legislation.
- 5.6 E. Baker Asked how long Mr. Peter Cole had been carrying out water testing on Sark and it was agreed this was for more than ten years Conseiller Baker thought it a ridiculous waste of time that he should be refused access to obtain samples ensuring visitors were not exposed to contaminated water.
- 5.7 **Proposition 1 – CARRIED**
That Chief Pleas approves the Tourism (Accommodation Permits)(Sark) Ordinance, 2011.
- 5.8 **Proposition 2 – CARRIED**
That Chief Pleas instructs the Tourism Committee to provide a temporary extension to the current accommodation permits, due to expire on 31st December 2011, so that they remain valid until 29th February 2012.

6 Development Control Committee

The Development Control (Sark)(Amendment) Ordinance, 2011

- 6.1 Dunks The report seeks to amend the 1992 Ordinance; the first part introduces two additional factors to be taken into account when considering applications, first requested at the Christmas 2011 Meeting (Item 12). The Committee will be able to take into account the effect of the development on the historical or archaeological significance of the proposed site and/or the environmental effect on the locality concerned, or to the Island.
- 6.2 The second part of the Ordinance will make it a requirement to mark out on the site the physical outline of the proposed development, if requested to do so. This practice has been accepted by applicants for many years but was recently refused by one applicant and the Committee felt the requirement needs to be embodied in Law.
- 6.3 Cocksedge **As he earns a living from the building industry he supposed, under the Rules of Procedure, he should declare an interest.**
He had spoken to a number of builders and erecting poles on certain sites is impossible. When he worked for Jess Hester and now with his present boss, Tony Le Lievre, he had experienced the problems of erecting poles at the Beauregard development for Colin Teers and Lawrence de Carteret; the poles were among the trees that resembled a jungle. One could not get any idea what it would look like compared with its surroundings. A combination of plans, artist impressions all add up to give an overall impression.
- 6.4 It may be the time, as the Committee is looking at the Development Control Law, to have a number of public planning meetings for more contentious applications, where letters for or against can be read, objections lodged and where topics such as environmental, historical and archaeological can be put forward as case studies. The builders would also be able to alleviate some of the worries of waste disposal, water uses, road infrastructure etc.
- 6.5 With DCC looking at updating the Law, would now be the time to put in procedures, once the plans are passed, to check at different stages of the build that the footings are in the right place and to the correct size, that the roof is the correct height from the datum mark, and that all is specified as approved; it might also encourage the recycling of materials.
- 6.6 Audrain Supported the idea of having public planning meetings on major developments.
- 6.7 Hunt Asked whether inspection did not already take place when approved applications are commenced.
- 6.8 Dunks Only informally but the Committee has no right of access to inspect the work.
- 6.9 Guy Welcomed the changes and intended to vote in favour.
However, with reference to the Ordinance amendment at 1(c)(i) and (j), she would again urge the Development Control Committee (DCC) to consider raising planning application fees for larger and more complex projects as, though there are people here on the island with considerable expertise in the fields of history, archaeology and the environment, she believed that it will be necessary to consult independent outside professional experts which will, of course, cost money. If fees do not cover this potential additional expense then the burden of allowing these amendments to be upheld will fall upon the tax payer.
Speaking at the Midsummer Chief Pleas meeting (Item 10), she had made reference to planning application fees in Alderney which are considerably higher, and she believed more realistic, than those in Sark.
She apologised for sounding like a cracked record but repeated some of the examples of charges that she gave at that time -

Minor works applications cost	£63.50
New dwellings range from	£265 to £530
Commercial housing	£635
New hotels	£635
Redeveloped hotels	£530
Commercial buildings	£265

She respectfully asked the DCC, a committee for which she had the greatest admiration, to have a detailed look at charges in similar places and reconsider the whole issue. If charges do not go up she feared that we shall need assistance anyway and payment will end up coming from the tax payer.

- 6.10 Also as DCC are gradually, and correctly, requiring more information from applicants she wondered if it is worth that committee considering some kind of standard form to be submitted along with plans when an application is made to assist members in their consideration of applications.
- 6.11 Prevel Called for expertise to be brought in when necessary especially for archaeological investigations. He made reference to the Tanquerels Fields where it was costing up to £3k per acre to have the ground surveyed to check for archaeological remains beneath the surface.
- 6.12 Dunks The prime reason for introducing this clause is because currently they are factors that cannot be taken into account.
- 6.13 **Proposition – CARRIED**
That Chief Pleas approves the Development Control (Sark)(Amendment) Ordinance, 2011.
- 6.14 Dunks Pointed out that the Ordinance comes into force on 31st October 2011 and will be first used at the meeting of the DCC on 7th November.

7 General Purposes & Advisory Committee HM The Queen's Diamond Jubilee Celebrations

- 7.1 Maitland This report was a consequence of the decision taken at Midsummer Chief Pleas and sets-up a Committee to plan the celebrations and report back in January.
- 7.2 E. Baker Recalled that at the Silver Jubilee a large beacon was lit at the Pilcher Monument, one place on the Island where all the other Channel Islands can be seen.
- 7.3 Seigneur Remembered that on that occasion the beacons were lit in sequence throughout the British Isles.
- 7.4 Seneschal Confirmed that the only request this time is for bonfires and as yet the location has not been decided.
- 7.5 Nightingale Asked that non-returnable pallets could be stored and saved for the event next year.
- 7.6 Cocksedge A lot of people have asked if we could restrict the boats to one in the morning and one at night, so that the majority of the Island can enjoy the celebrations. If it involved a big street party in the Avenue a number of chefs are keen to take part.
- 7.7 **Proposition – CARRIED**
That the Constable should be charged with the formation of a Committee to plan celebrations in Sark to mark H.M The Queen's Diamond Jubilee on 5th June 2012 and that £5,000 should be set aside from Public Funds to fund such celebrations.
- 7.8 S. Williams Thought it might prove difficult to limit the boats as the timetables are already out and circulating for next Summer.

8 Douzaine Procureurs of the Poor

- 8.1 E. Baker Had nothing to add and explained that this was an information report to explain the increases shown in the budget.
- 8.2 Bache Asked if this will be included in future years.
- 8.3 S. Williams Was irritated that the only thing reported about Chief Pleas on the radio this morning was about Sark raising its taxes to pay for the poor and needy. It was only her personal opinion but she found such reporting unhelpful and biased given all the other positive things on the agenda and could not understand why it was singled out.
- 8.4 Seneschal It is hard to control the media and it will interpret the facts as it sees fit.
- 8.5 E. Baker Sympathised with Conseiller Williams but it was a step forward as in the past they have been described as "*people on the parish*" – probably a worse slur.

9 Finance & Commerce Committee 2012 Budget and Taxation

- 9.1 Gomoll Thanked the Committee and particularly the Treasurer for the input to this report. He reminded the Assembly that it was only in the Committee's Mandate to decide whether requests for additional funding were legitimate; it has no role to question the bids only to find ways of raising sufficient income for which to pay for the total budgets required by the spending Committees. He asked whether Chief Pleas would want the F&C Committee to assess bids in future and comment or prioritise the funding required.
- 9.2 Seneschal The Committee's Mandate might well need to be changed.

- 9.3 Gomoll It would mean advancing the budgetary process forward as early as May with meetings held with spending Committees and a draft budget being considered at Midsummer Chief Pleas before a final version was brought to Michaelmas as now.
- 9.4 Seneschal The emphasis would change with Chief Pleas making decisions with the advice from the F&C Committee.
- 9.5 Bache In agreeing the Budget, he hoped we would all accept that we need, as Chief Pleas, to ensure that the Island will get good value for money. Should we not then have a much closer scrutiny of expenditure by the F&C Committee in the future?
His understanding is that at present the F&C Committee receives the individual bids of committees through the Treasurer. These bids may be perfectly sound but under the present system the F&C Committee does not examine, question or weight the bids before accepting the total envisaged expenditure and then setting taxation etc. to meet it. He suggested that there should be a much closer scrutiny of individual bids to ensure that total expenditure is controlled and unnecessary taxation thereby avoided. F&C Committee would certainly seem the right committee to introduce such a system and indeed he understood that at one time a similar system was in place.
If there is a need to adjust its mandate to accommodate this function then it is to be hoped the Committee will agree to do so. He was sure this would prove helpful for Chief Pleas when considering future draft budgets knowing that the F&C Committee had looked carefully at the bids and it would also increase the public's confidence in the whole process. He asked if the Chairman of F&C Committee would agree with him about this and undertake to introduce the system for next year.
- 9.6 Audrain Supported Conseiller Bache's request.
- 9.7 R. Dewe Warned that the Douzaine might find it difficult to plan too far ahead; assessing the Procureurs likely requirements – how many need support and by how much - is impossible to predict too early.
- 9.8 E. Baker Focussed on the figure for legal expenses at £73k. It is extremely unfortunate that the elected government of Sark has to budget this amount but over the last few years it has been subjected to constant provocation, and intimidation by people with unlimited expense accounts. Sark has done nothing to incur this harassment so we must protect ourselves by upholding our Laws with legal advice and representation.
- 9.9 Prevel Also supported Conseiller Bache's request. He also asked for explanation about replacing one of the Island tractors at a cost of £18k.
- 9.10 P. Williams There is no immediate plan to buy a new one as yet.
- 9.11 Bache As far as he was aware, at no time during this year has there been any discussion in Chief Pleas of Sark's economy. He accepted this it is an unusual economy which does not easily lend itself to sophisticated analysis. Nevertheless as we come to consider the budget and future expenditure would it not be helpful to have some indication of the economic forces at work on the Island? In particular we need to keep in mind inflation; Guernsey has a figure but he was fairly sure that Sark's would not be the same.
It should not be difficult, for instance, to compare on a year on year basis a number of the key components of the Island's economy including electricity and oil costs, freight charges, a basketful of vital foodstuffs and drinks and a few other items. This would not of course be a full-scale examination of the economy as is not uncommon when budgets are introduced elsewhere but it would be a first step in this direction and confirmation that the economy is relevant.
In future if F&C Committee would agree to introduce their budget with an analysis of such elements and the likely effect of them on inflation this would undoubtedly be helpful to Chief Pleas' members who have to decide on the appropriateness of the budget. His impression is that the Chamber of Commerce might be willing or prepared to work with the Committee on this.
He would like to hear whether the F&CC Chairman agrees with this and whether such an analysis could usefully be included in the future when the Committee puts forward the budget to Chief Pleas.
- 9.12 Gomoll Accepted that this could be useful for comparisons year on year but it would be necessary if the Committee was to compile information from the Chamber of Commerce and others, to change the mandate of the Committee.
- 9.13 Bache There is a large bid for roads repairs over La Coupée following discussions with experts; presumably this is an estimate? Will a report be available to Conseillers?
- 9.14 E. Baker The state of La Coupée is a constant worry; Andy Madden will be reporting his findings at some stage soon.
- 9.15 Prevel La Coupée is not going anywhere; there will be more information at Christmas.

- 9.16 Guy To return to the suggestion made by the Chairman of F&CC; at the moment spending committees say what they want and F&CC work out how finance will be raised. If we revert, and Conseiller Gomoll reminds us that this is how things were done prior to the Reform Law, to the idea of spending committees putting in bids then presumably F&CC or Chief Pleas will have to decide how much we can spend and, through discussion, that amount would be shared out.
- 9.17 R. Dewe Also thought that Sark should have its own Retail Price Index. Utilising the Guernsey RPI has shortfalls; Sark has no mortgages, no motoring costs or cars which must make comparisons difficult. He recalled that former Chief Pleas Member Mary Collins once investigated the idea and concluded that it would all be too difficult.
- 9.18 Seneschal Suggested that Propositions 1, 2, 3, 4 & 6 should be taken as a block if Chief Pleas was so minded and Proposition 5 voted on separately. This was found acceptable.
- 9.19 **Proposition 1 – CARRIED**
That the rate of Property Tax be increased to £7.00 per quarter for the year 2012.
- 9.20 **Proposition 2 – CARRIED**
That the minimum rate of Personal Capital Tax be raised to £235 and the maximum rate of Personal Capital Tax be raised to £4,700 for the year 2012.
- 9.21 **Proposition 3 – CARRIED**
That the net asset fraction for the calculation of Personal Capital Tax be increased from 0.4% to 0.45% for the year 2012.
- 9.22 **Proposition 4 – CARRIED**
That the forfait factor for the calculation of Personal Capital Tax remains at 4 for the year 2012.
- 9.23 **Proposition 5 – CARRIED**
That Chief Pleas approves the Ordinance “The Direct Taxes for 2012 (Sark) Ordinance, 2011”.
- 9.24 **Proposition 6 – CARRIED**
That the budget of income and expenditure for the year 2012 be accepted.

10 Medical Committee Regulating Health Professionals

- 10.1 D. Baker Members of the Sark Medical Committee met in September with Law Officer Roy Lee to discuss a Sark Law for the regulation of health professions. Unbeknown to the Committee, Guernsey was already drafting similar legislation for itself; however it must be stressed that Sark’s request was primarily to protect our existing medical service and it was not imposed on us by Guernsey. It started as a simple request to cover our Medical Officer but as Conseiller Cocksedge has already pointed there are other health professions that may need regulating in the future. It is easy to say the Committee is bringing in Laws and Ordinances for the sake of it but that is not the case; not one member of the Committee has the time to take on unnecessary work.
- 10.2 The doctor’s contract, although drawn up some time ago, says he is to be the sole practitioner because that was a sensible option. It has always been the case that if two or more doctors were to compete with each other neither would have a successful practise as the population base is too small. Should a doctor employed by the Medical Committee not be able to survive we might well be left with a doctor who felt it was more important to earn a higher salary than look after the islands needs. After attending a couple of interviews in the past with interested parties she assured Chief Pleas that there are those for whom financial income is their first priority. Changing the doctor’s contract would be a simpler option but it wouldn’t solve the problem of protecting Sark’s vital medical service.
- 10.3 The draft Projet De Loi entitled “The Regulation of Health Professions (Sark) Law, 2011, attached to this report, broadens the Law at Section 1(c) to “... *any person who purports to practise or to be qualified to practise, a health profession*”. Moving to “*Interpretation*” Section 4(1) on page 6, “*health profession*” directs in item (b) that – “*without limiting the generality of paragraph (a) includes a profession or occupation listed in Schedule 2...*”. This is a comprehensive list and can be amended by Ordinance at any time.

- 10.4 D. Baker Returning to Section 3 on pages 3-6, it is understood that this is a standard provision and describes how the Law can be implemented or rationalised by Ordinance. It gives the Committee flexibility and allows it to protect any health professional operating in the Island under the provisions of this Law.
- 10.5 In Schedule 1, Item 1(a) allows the Medical Committee to employ a prescribed person and Item 1.(b) confirms this person would have to be registered, licensed, certified or accredited in a prescribed manner - that would be through the UK licensing authority in the first place. The Medical Committee would not wish to employ a doctor who did not have all the necessary qualifications and licences needed to practice elsewhere. Item 2 of Schedule 1 - "*The grant to, or conferral on, any person of the exclusive right to practise a health profession*", is the only difference Sark has to the Projet Guernsey is bringing forward in parallel. It is only a community as small as Sark that needs this protection.
- 10.6 Conseiller Baker hoped Chief Pleas is satisfied that this legislation is suitable for Sark and the Committee hope to bring it back to Chief Pleas in January for approval. If Chief Pleas has any questions the Committee will try to answer them but should further advice be needed from the Law Officer drafting the legislation, the Committee will need to come back to you.
- 10.7 Guy Apologised for not discussing this with the Chairman of the Medical Committee earlier but it only occurred when she was having a final read through of the papers rather late last night. As the report says, this item is a discussion draft replacing an Ordinance brought to the Midsummer meeting but withdrawn by the Medical Committee on the advice of HM Procureur Howard Roberts QC that it was ultra vires. The main thrust of that withdrawn Ordinance appeared to enable the Medical Committee to restrict any doctor practicing in Sark to the one, and only the one, appointed by the Medical Committee (with a few exceptions for locums, advisers and family friends and members). That appeared to be what the Committee, directed earlier by Chief Pleas, wanted to do.
- 10.8 In schedule one of this proposed Projet do sections 1(b) and (c) mean that the Medical Committee cannot regulate if health professionals are suitably qualified, accredited, licensed or certified and, if this is the case, do these sections contradict Schedule I Item 2 which allows the Committee to grant exclusive right to practise to a health professional. She was sure that there is a logical answer to her query but she just didn't seem to be able to tune in to this particular piece of legal language so perhaps it would be a query to the draftsman?
- 10.9 Hunt This Projet de Loi will ultimately allow the Committee to go back to the previous Ordinance considered at Midsummer Chief Pleas. The question raised will be taken up with the legal draftsman.

11 General Purposes & Advisory Committee

Election to fill Committee Vacancies

- 11.1 Seneschal Following the resignation of Conseiller Rossford de Carteret, there were vacancies in three Committees on which he served
- 11.2 **The Douzaine – 1 vacancy**
Nominations from the floor of the Assembly –
Conseiller E. Baker, on behalf of The Douzaine, proposed Conseiller Fry.
There being no other nominations, Chief Pleas approved the election.
Conseiller Fry - ELECTED
- 11.3 **Harbours & Pilotage – 1 vacancy**
Nominations from the floor of the Assembly –
Conseiller Guy, on behalf of the Committee, proposed Conseiller Bache.
Conseiller Higgins proposed himself.
There being no other nominations, Chief Pleas voted on the two candidates.
Conseiller Bache - ELECTED
- 11.4 **Sea Fisheries – 1 vacancy**
Nominations from the floor of the Assembly –
Conseiller Cocksedge, on behalf of the Committee, proposed Conseiller Taylor.
There being no other nominations, Chief Pleas approved the election.
Conseiller Taylor - ELECTED

11.5 Seneschal Following the resignation of Conseiller Atkinson, there was a vacancy in the Shipping Committee on which she served

11.6 **Shipping – 1 vacancy**

Nominations from the floor of the Assembly –
Conseiller Cook, on behalf of the Committee, proposed Conseiller Byrne.
The being no other nominations, Chief Pleas approved the election.

Conseiller Byrne – ELECTED

11.7 Seneschal Following the resignation of Conseiller Armorgie, there was a vacancy in the Public Health Committee on which he served

11.8 **Public Health – 1 vacancy**

Nominations from the floor of the Assembly –
Conseiller Paul Williams, on behalf of the Committee, proposed Conseiller Byrne.
Conseiller Higgins proposed himself.
The being no other nominations, Chief Pleas voted on the two candidates.

Conseiller Byrne – ELECTED

12 Shipping Committee

Revised Mandate

12.1 Hunt **As he works part-time for IoSS, he declared an interest under the Rules of Procedure.**

12.2 Seneschal Asked the Assembly whether Conseiller Hunt should leave the Chamber; it was agreed that he could stay.

12.3 Cook A full explanation of why the mandate needs to be changed is included in the accompanying report which recognises the need to better define Chief Pleas' working relationship with the Company. To this end, the Committee, in consultation with the Directors of IoSS, is negotiating a Service Level Agreement, as recommended by Doctor Jonathan Spencer in his Review of 2007. A draft of the agreement will be brought to Chief Pleas for debate and, if Chief Pleas agree, for approval as soon as is practicable. The most appropriate way to take forward these intentions is to propose some alterations to the Shipping Committee Mandate.

12.4 **Proposition – CARRIED**

That Chief Pleas approve the revised Shipping Committee mandate.

13 General Purposes & Advisory Committee

Civil Weddings in Sark

13.1 Maitland Was amazed at how much interest this item had raised. This is a first step and there is a need to consult but clearly, when the current arrangements are based on a 1919 Law it is time to reflect on the needs of the public today. Alderney has successfully introduced its own Law and following consultation with the Law Officers, it would appear that Sark too could follow a similar path making the Island a more attractive venue for civil weddings.

There has been full support from the Sark Chamber of Commerce which will be consulted about any revised legislation.

13.2 Magell **As a Director of a potential hotel venue, she declared an interest under the Rules of Procedure.**

13.3 **Proposition – CARRIED**

That the Committee after consulting interested parties in Sark should return to Chief Pleas with firm proposals for the liberalisation of Sark's Marriage Laws, prior to requesting the Law Officers to draw up the necessary legislation.

A 10 minute break was taken at 11.30am

14 Development Control Committee

The Development Control (Sark) Law, 1991

14.1 Dunks The need to update this Law has been mentioned at a number of recent meetings of Chief Pleas and he thanked Conseiller Cocksedge for his supporting remarks earlier at this meeting (paragraph 6.5).

14.2 E. Baker The DCC has used consultants in the past and advice was given by Mr Barry Cooper on various projects a few years ago. Although the DCC is not a building committee, it sometimes requests datum points to be agreed and measurements have been taken at various stages of development to make sure that what is being built is in line with the approved application.

14.3 **Proposition – CARRIED**

That Chief Pleas direct the Development Control Committee to request the Law Officers to draft a Law to replace and update the Development Control (Sark) Law, 1991.

15 Emergency Services Committee

Increase of Committee to Five Members

15.1 Plummer The Committee has a wide range of duties and whilst various elements of the emergency services attend as and when appropriate it was thought timely to formalise the arrangement by making those attending ex-officio Members and to increase the main elected body of the Committee from 3 up to 5 Members.
This will make the work of the Committee easier to handle.

15.2 **Proposition 1 – CARRIED**

That the Emergency Services Committee increases its membership to five Conseillers.

15.3 **Proposition 2 – CARRIED**

Assuming acceptance of Proposition 1, that Chief Pleas elect two Conseillers to the Emergency Services Committee at this meeting.

15.4 Seneschal Called for nominations for the two vacancies –

15.5 **Emergency Services – 2 vacancies**

Nominations from the floor of the Assembly –

Conseiller Plummer, on behalf of the Committee, proposed Conseillers Fry and Prevel.

The being no other nominations, Chief Pleas approved the election.

Conseillers Fry and Prevel – ELECTED

15.6 **Proposition 3 – CARRIED**

That the Doctor, Chief Fire Officer, Chief Ambulance Officer and OIC Special Constables, be made ex-officio members of the Emergency Services Committee.

16 Sea Fisheries Committee

Sea Fisheries' Agreements

16.1 Cocksedge Thanked all those Members who attended the presentation evening on 12th September along with the fishermen who attended an earlier presentation on the same day. For those who were not there he gave a brief account of what has happened so far. Information was also circulated with the Chief Pleas papers.

16.2 This topic is dealing with licensing of fishing boats in the 3–12 nautical mile limits. The whole issue of territorial seas, who owns the sea bed, renewable energy, etc., is still on-going and dialogue continues with the GP&A Committee. Because the resolution of these issues is somewhat off, there is a need in the interim to protect the fishing grounds from large nomadic fishing boats, some the size of tankers, from Holland, Denmark etc., so the Commission went down the line of licensing boats in the 3-12nm limit.

16.3 The legislation in the 0-3mile limit does not change and remains in Sark's control and he emphasised that we are not part of the Common Fisheries Policy (CFP), nor has Sark ever been, never will be and hasn't agreed to become part of that policy. British Sea Fisheries Officers currently enforce European Regulations, but not CFP through the Guernsey Bailiwick Law, 1989.

16.4 The three islands of the Bailiwick have been trying to regain control of licensing of commercial fishing boats in the 3-12nm since 1992. Last year a Commission was set-up consisting of one member from each Island with equal voice - Steve Shaw for Alderney, Chris Morris for Guernsey and Conseiller Cocksedge representing Sark. The Team has been backwards and forwards to Defra and to other parties involved for face to face talks. Since that time it has progressed at a rate of knots to the advanced position in which it finds itself today.

- 16.5 Cocksedge Accompanying this report is the Fisheries Management Agreement (FMA). This is a high level agreement between Defra (Department of Environment, Food and Rural Affairs), Marine Scotland, Dardni (Department of Agriculture and Rural Development (Northern Ireland), the Welsh Assembly, the States of Alderney, Sark Chief Pleas and the States of Guernsey and sets out the main aspects for the management of fisheries within British fishing limits adjacent to the Bailiwick of Guernsey's 3 - 12nm limit.
- 16.6 Also attached is a Memorandum of Understanding (MOU) with the Marine Management Organisation (MMO) formally the Marine and Fisheries Agency (MFA); this is Defra's executive organisation which is responsible for managing all aspects of commercial fishing within the U.K. such as fishing licences, quotas and catch control, enforcement/monitoring and collecting of statistics.
As part of the Commissions Commitment to fisheries management, Defra requested that the Islands have a formal agreement with the MMO with which the Bailiwick has a long standing relationship and having been working with them for many years. We are one of the first areas to have under 10m log books for giving details of catch. The statistics are passed back to Sark Sea Fisheries Committee.
The MOU is a service level agreement and formalises this working relationship and ensures that there is always a conduit for good communication between the Bailiwick Commission and the MMO. Within this framework, we have an equal say on the Commission and at the top top we can approach Defra if we have a specific problem within our own area.
- 16.7 The Projet will deal with licensing of boats **not** the extension to territorial sea limits (this has not been given over by the British Government at this stage). This method gives us control of who fishes in the 3-12nm limit.
Those vessels fishing in shared Bailiwick waters in the future will be Bailiwick boats and those with an historical track record and these will have technical restraints imposed on them. When the particular boat is sold those historic rights will cease. Defra licensed boats cannot fish in our 0-3nm.
At present there is no fee for the licence but if in future it is considered necessary to introduce charges, Sark will gain from a part of any revenue raised.
Sark is agreeing to continue to license its fishing vessels in accordance with the UK licensing scheme. The reason for this is to protect the investment the fishermen have made in their licenses and their livelihoods. Without this part of the agreement we would have wiped out the value of all Bailiwick's licenses.
- 16.8 We have not signed up to the quota system, days lost at sea, or entitlement lost on the licence, although we are reporting the catch to UK Section 14 FMA. This keeps it straight for the French who if this was not done would class the Bailiwick as a third world country and this would cause problems when landing fish in France
The package is a good deal for a fisherman with a new starter package for new entrants into the industry, more control of the sea area in 3-12nm to safeguard the continued stocks and livelihoods of generations to come and no discards.
- 16.9 Following the presentation in Sark the BFMC went to Alderney and Guernsey to speak to politicians and fishermen who were unanimous in saying it was a good deal.
The Commission has had face to face meetings with Northern Ireland, Wales, who are happy with the FMA and hopefully we are in Scotland for them to approve the FMA tomorrow. Later in the month we are talking to our Jersey counterparts. Nothing in the FMA will discriminate between boats allowed to fish in our water. He invited any questions and would be pleased to answer them.
- 16.10 Hunt Congratulated the Sea Fisheries Committee and the visiting Sea Fisheries Officers for their presentation.
- 16.11 D. Baker Echoed those remarks; she had found the presentation most helpful.
- 16.12 Guy Asked that a vote of gratitude be given to Conseiller Cocksedge and the Sea Fisheries Committee for all the effort to bring this package to fruition.
The Assembly indicated its support.
- 16.13 Cocksedge Thanked the Assembly and promised to pass that on to the Commission.
- 16.14 **Proposition 1 – CARRIED**
That Chief Pleas approves The Fisheries Management Agreement (FMA) for signature by the Chairmen of the Sea Fisheries Committee on behalf and for Sark Chief Pleas.

16.15 **Proposition 2 – CARRIED**
That Chief Pleas approves the Memorandum of Understanding (MOU) with the Marine Management Organisation.

16.16 **Proposition 3 – CARRIED**
That Chief Pleas directs the Sark Sea Fisheries Committee to request the Law Officers of the Crown to prepare a Projet de Loi re-instating fishing vessel licensing controls within the 3-12 nautical mile limit of the Bailiwick waters.

17 Tourism Committee Accommodation Permits

17.1 S. Williams Had nothing to add to the report which was self-explanatory.
The Committee proposed the following increases -
Hotels from £7.50 to £8.00 per person
Guest Houses from £6.50 to £7.00 per person
Self-catering establishments from £5.25 to £6.00 per person
Campsites from £3.00 to £3.50 per person

17.2 **Proposition – CARRIED**
That Chief Pleas approve the rise to accommodation permits shown above for the period 1st March 2012 to 28th February 2013.

18 General Purposes & Advisory Committee Amendment to Liquor Licensing (General Provisions) Ordinance, 1979

18.1 Maitland Since the publication of the Chief Pleas papers it had become apparent that there were many more issues with liquor licensing that needed to be addressed and there had been calls for wider consultation. As a consequence the Committee wished to withdraw the item from the agenda.

18.2 S. Williams Trusted that there would be consultation with current licence holders.

18.3 Ventress Some of the other issues will be raised by the Chamber of Commerce.

18.4 Seneschal Reminded the Assembly that the 2006 amendment followed an extensive consultation exercise with the public and recommended that a similar wide-ranging consultation should be considered again this time.

18.5 **Proposition – WITHDRAWN**
That Chief Pleas requests the Law officers of the Crown to draw up an amending Ordinance to the Liquor Licensing (General Provisions) Ordinance, 1979 to allow Sark Hotels to serve alcoholic drinks before 10.00am on Sundays and to permit hotel residents and their guests to enjoy alcoholic drinks on Sundays without having to have a meal.

19 Education Committee Annual Report on Sark School

19.1 Magell Presented the annual information report on Sark School.
Since it was written the post of school cleaner has been filled by Mrs Jacqui Rogers and the Committee welcomes Jacqui to the school team.

19.2 The school was last inspected by an external inspector four years ago and since then has been undertaking a programme of self-evaluation and improvement as well as working on the recommendations contained in that report.

Last week two inspectors from Jersey visited Sark School; Mr. Colin Masterman is the Headteacher of Mont Nicolle School in Jersey and was the inspector who carried out the last inspection. Mrs. Julia Lydford has been a Headteacher, worked for OFSTED in England and is now a Schools Improvement Partner in Jersey. The Committee asked them to look at the current school development plan and assess how the school has progressed since 2007 and what areas are in need of further attention. The Committee asked them to look at the staffing in the school and its provision for children with Special Educational Needs. The Inspectors looked closely at the curriculum and its delivery including marking and assessments, use of schemes and text books, school topics, differentiation and the quality of the ICT. They observed lessons in all the key stages and spent two days gathering information and evidence.

- 19.3 Magell The initial verbal feedback from them on Friday was positive and we will publish the report to Parents and Members of Chief Pleas as soon as it is received.
- 19.4 Nightingale Had been requested by a parent to pose a question relating to the Education Committee report. Seven children have taken GCSE's through Sark School. What is the highest grade achieved?
- 19.5 He felt that the present school leaving age of fifteen is ideal for children who wish to start working and learning a trade but could consideration be given to the GCSE candidates staying on full time? We have four teachers for thirty nine pupils so surely the internet provision could be enhanced and improved with traditional teaching?
- 19.6 Could the Education Committee also look into the feasibility of Sark School pupils participating in the Duke Of Edinburgh Award Scheme as upon completion they would have an internationally recognised award showing practical community skills and proving their personal tenacity to complete the scheme?
- 19.7 Magell The GCSEs are studied through classroom teaching on the computer and the lessons are at fixed times which frequently do not coincide with the school timetable. She could not give individual grades for pupils.
- 19.8 Motivation for children to continue attending school beyond the age 15 is very difficult and special efforts are being made to help and support the pupils involved to give them a sense of belonging and retain their interest as part of the school.
- 19.9 She would investigate the Duke of Edinburgh Award Scheme to see whether it was a practical option for those young people living on Sark.

20 Tourism Committee Annual Report to Chief Pleas

- 20.1 S. Williams Drew attention to the increase in the budget for 2012 attached to the report. The visitor numbers continue to increase and the Visitor Centre has extended its weekend opening hours at either end of the season as a result. Thanks go to Sark Estate Management, La Sablonnerie Hotel, Stocks Hotel, the Aval du Creux Hotel and Hathaways all of which have committed to advertising in the Guide.
- 20.2 She explained that Matthew Smith and Chapel Studios, which had served the Tourism Committee for so long, announced in January 2011 its withdrawal from producing the Guide and Map for 2012. Despite long negotiations with the company it became clear that Tourism did not own the website or its address and it has been necessary to find a different partner and develop a new website and to design a new guide and map. The new website – www.sark.co.uk – will go live shortly but work is still in progress and development will continue towards 2012.
- 20.3 Following damage from a recent water leak, she called for support in refurbishing the inside of the toilets at the Visitors' Centre, and the possibility of also providing hot water and a disabled toilet. Improvements and quotes will come back shortly in time for work to commence in January 2012 using next year's budget.
- 20.4 E. Baker Confirmed that the Douzaine would support such an initiative.
- 20.5 P. Williams Suggested that if Tourism Committee put in a report to the Douzaine, it would be willing to look at refurbishing the toilet block at the Harbour.

21 Emergency Services Committee The Queen's Diamond Jubilee Medals

- 21.1 Plummer Promised more information at Easter Chief Pleas, 2012, including the names of the recipients.

22 General Purposes & Advisory Committee Ordinance made by the Committee and Laid Before Chief Pleas The Belarus (Freezing of Funds) (Sark)(Amendment) Ordinance, 2011

- 22.1 Seneschal No motions to annul this Ordinance had been received.

0² Closing Remarks

- 0.14 [Swearing-in Court](#) – the Seneschal would hold a Court at 12.45pm following this meeting to swear-in Conseiller Hazel Fry as a Member of the Douzaine and the Constables to their new roles.

Forthcoming meetings for Chief Pleas Members

CHRISTMAS MEETING – Wednesday 18th JANUARY 2012 at 10.00am

Agenda closes - Monday 12th December 2011 at 3.00pm

Papers distributed to Members before Wednesday 21st December 2011.

This meeting closed at 12.20pm

Brian Garrard MILT (Sark Committee Secretary) 13th – 18th October 2011

Seneschal and President of Chief Pleas

Greffier

Signed on 18th October 2011

The reports, to which these decisions refer, are shown in full on the website
www.gov.sark.gg
and are also available from the Committee Office for a small charge per sheet.

MEMBERS OF CHIEF PLEAS

Michaelmas Chief Pleas Meeting – 5th October 2011

	Attending	There were no calls for named votes							
The Seigneur – J. M. Beaumont	/								
The Seneschal – Lt. Col. R. Guille	/								

CONSEILLERS

1	Mrs. H.C. Magell	/								
1	Mr. A. Dunks	/								
1	Mr. A.C. Prevel	/								
1	Mrs. S. Williams	/								
1	Ms. E.M. Dewe	/								
1	Mr. P.J. Williams	/								
1	Mr. R.J. Dewe	/								
1	Mr. P.M. Armorgie	/								
1	Mr. C.N.D. Maitland	/								
1	Mrs. C.D. Audrain	/								
2	Mr. D.T. Cocksedge	/								
2	Mrs. H.M. Plummer	/								
2	Mr. D.W. Melling	A								
2	Mr. C.R. Nightingale	/								
2	Mr. A.P.F. Bache	/								
2	Mr. E. Baker	/								
2	Mr. C.H. Bateson	/								
2	Mr. S.B. Gomoll	/								
2	Mrs. D. Baker	/								
2	Mr. A.G. Ventress	/								
2	Mr. A.J. Cook	/								
2	Ms. M.A. Perrée	A								
2	Ms. J.M. Guy	/								
2	Mr. J.E. Hunt	/								
1	Mrs. H.D Fry	/								
1	Mr. S.T. Taylor	/								
1	Mrs. R.E. Byrne	/								
1	Mr. S.F. Higgins	/								

1 – Term of office ends in January 2013	A	Apologies	C	Contre
2 – Term of office ends in January 2015	/	Present	P	Pour
			NV	No Vote

Brian Garrard, Committee Secretary, 5th October 2011